

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION
CIVIL ACTION NO: 3:05CV261**

SUSAN M. BAUCOM,

Plaintiff,

v.

WESTMINSTER COMPANY, et al.,

Defendants.

ORDER

THIS MATTER IS BEFORE THE COURT *sua sponte*. On January 22, 2007, Defendants filed a “Suggestion of Death Upon The Record Under Rule 25(a)(1)” (Document No. 31). The parties have consented to magistrate jurisdiction pursuant to 28 U.S.C. § 636(c), and the undersigned believes this matter is ripe for disposition.

According to Fed.R.Civ.P. 25(a)(1), if a party dies, a substitution of the proper parties may be ordered by the Court if a motion for substitution is

made by any party or by the successors or representatives of the deceased party.... Unless the motion for substitution is made not later than 90 days after the death is suggested upon the record by service of a statement of the fact of the death as provided herein for the service of the motion, the action shall be dismissed as to the deceased party.

Fed.R.Civ.P. 25(a)(1).

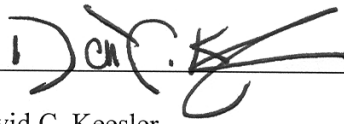
In this case, there has been no motion for substitution, nor any other filing, since Defendants’ “Suggestion of Death Upon the Record...” well over 90 days ago. While it appears the Court may be authorized under the Rules to dismiss the case, out of an abundance of caution and in light of Plaintiff’s *pro se* status, the Court will direct the parties instead to submit a brief written status

report, jointly if possible, describing the current status of the case by on or before July 20, 2007. The Court will defer until that time a decision on whether the case should be dismissed pursuant to Rule 25(a)(1).

IT IS, THEREFORE, ORDERED that the parties shall submit a brief written status report, jointly if possible, setting forth the status of this case by on or before July 20, 2007.

IT IS FURTHER ORDERED that the Clerk of Court shall notify the parties via ECF, and shall send a copy via U.S. Mail to the presumed deceased's last known address, as well as to her personal representative, Kristina Thomas.

Signed: June 19, 2007



David C. Keesler
United States Magistrate Judge

